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10/710,600	07/23/2004	Iwao Fujisaki	ppa038non	4599

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Iwao Fujisaki
1-3-14 Park Heim A103
MITAKASHI Inokashira
TOKYO, 181-0001
JAPAN

EXAMINER	
NGUYEN, DAVID Q	

ART UNIT	PAPER NUMBER
2617	

NOTIFICATION DATE	DELIVERY MODE
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Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

iwaofujisaki@hotmail.com

Office Action Summary	Application No.	Applicant(s)	
	10/710,600	FUJISAKI, IWAO	
	Examiner	Art Unit	
	DAVID Q. NGUYEN	2617	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE *3* MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on *02 November 2010*.

2a)☐ This action is **FINAL**. 2b)☒ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *46-48 and 68-82* is/are pending in the application.

4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *46-48 and 68-82* is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a)☐ All b)☐ Some * c)☐ None of:

1.☐ Certified copies of the priority documents have been received.

2.☐ Certified copies of the priority documents have been received in Application No. _____.

3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☐ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☒ Information Disclosure Statement(s) (PTO/SB/08) Paper No(s)/Mail Date *09/25/2010*.
4) ☐ Interview Summary (PTO-413) Paper No(s)/Mail Date. _____ .
5) ☐ Notice of Informal Patent Application
6) ☐ Other: _____.

DETAILED ACTION

Response to Arguments

1. Applicant's arguments filed 11/02/2010 have been fully considered but they are not persuasive.

Applicant argues that Helle does not disclose the communication device controlled notice which indicates whether said communication device controlling task is implemented or not is output from said phone.

Examiner disagrees. Examiner interprets the communication device as claimed in the present application as the mobile phone 10 of Helle's reference. Helle teaches that user uses any mobile phone with SMS capability to send a PIN code command or control message to the mobile phone 10 (see col. 4, lines 41-62 and col. 5, lines 43-44). Helle also teaches that the mobile phone 10 would return information that could contain phone location data or last usage data via a Short Message System (SMS) to user via the mobile phone with SMS capability (see col. 4, lines 41-62 and col. 5, lines 43-44). It is clearly that "the location data of the mobile phone 10 sent to user" of Helle's reference is "the communication device controlled notice which indicates whether said communication device controlling task is implemented or not is output from said phone" of the present application.

Therefore, Helle disclose the communication device controlled notice which indicates whether said communication device controlling task is implemented or not is output from said phone.

Applicant argues that Helle does not indicate in any way the method to notify the user whether the foregoing tasks have been duly implemented by the mobile phone 10.

As stated above, Examiner interprets the mobile phone 10 of Helle's reference as the communication device of the present application. Examiner also interprets that the phone of the present application is the mobile phone with SMS capability of Helle's reference. Helle teaches that user uses any mobile phone with SMS capability to send a PIN code command or control message to the mobile phone 10 (see col. 4, lines 41-62 and col. 5, lines 43-44). Helle also teaches that the mobile phone 10 would return information that could contain phone location data or last usage data via a Short Message System (SMS) to user via the mobile phone with SMS capability (see col. 4, lines 41-62 and col. 5, lines 43-44). It is clearly that Helle teaches the method to notify the user whether the foregoing tasks have been duly implemented by the mobile phone of the present application.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

> A person shall be entitled to a patent unless –
>
> (e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

2. Claims 46-48, 69, 75 and 81 are rejected under 35 U.S.C. 102(e) as being anticipated by Helle (US 6,662,023 B1).

Regarding claim 46, Helle discloses a method for a communication device, said method comprising: communication device remote controlling step (see abstract); wherein said communication device is remotely controlled via a user instruction entered by a phone when said phone communication device remote controlling step is implemented (see col. 4, lines 41-62 and

col. 5, lines 43-44; user sends via a telecommunication signal a remote PIN code command or control message to his/her mobile phone 10 by using any mobile phone with SMS capability), wherein in response to the user entering said user instruction by said phone, said communication device receives a communication device controlling command via a network to which said communication device is connected in a wireless fashion, (see col. 4, lines 41-62 and col. 5, lines 43-44; user sends via a telecommunication signal a remote PIN code command or control message to his/her mobile phone 10) and said communication device implements a communication device controlling task in response to said communication device controlling command (see col. 4, lines 24-30 and 41-57; locking the mobile phone, displaying a phone stolen, displaying message or performing function to activate the need for a user), thereby said communication device is remotely controlled via said user instruction entered by said phone (see col. 4, lines 41-62 and col. 5, lines 43-44; user sends via a telecommunication signal a remote PIN code command or control message to his/her mobile phone 10 by using any mobile phone with SMS capability), and thereby a communication device controlled notice which indicates whether said communication device controlling task is implemented or not is output from said phone (Examiner interprets this limitation as disclosed by Helle on col. 4, lines 50-57 of Helle: "the status message module 56 allows the user to request information about the mobile phone's status by sending it the control message with such a request. The mobile phone 10 would return information, for example, via a Short Message System (SMS), to a number specified in the control message. The information could contain, for example, phone location data or last usage data.").

Regarding claim 47, Helle discloses a method for a communication device, said method comprising: an internet communication device remote controlling step (see abstract; col. 5, lines 38-47; any mobile phone can send control message using wireless internet connection); wherein said communication device is remotely controlled via a user instruction entered by a phone when said phone communication device remote controlling step is implemented (see col. 4, lines 41-62 and col. 5, lines 43-44; user sends via a telecommunication signal a remote PIN code command or control message to his/her mobile phone 10 by using any mobile phone with SMS capability or wireless internet connection), wherein in response to the user entering said user instruction via the internet, said communication device receives a communication device controlling command via a network to which said communication device is connected in a wireless fashion (see col. 4, lines 41-62 and col. 5, lines 43-44; user sends via a telecommunication signal a remote PIN code command or control message to his/her mobile phone 10 by using any mobile phone with SMS capability or wireless internet connection), and said communication device implements a communication device controlling task in response to said communication device controlling command (see col. 4, lines 24-30 and 41-57; locking the mobile phone, displaying a phone stolen, displaying message or performing function to activate the need for a user), thereby said communication device is remotely controlled via said user instruction entered via the internet, and thereby a communication device controlled notice which indicates whether said communication device controlling task is implemented or not is output via the internet (Examiner interprets this limitation as disclosed by Helle on col. 4, lines 50-57 of Helle: "the status message module 56 allows the user to request information about the mobile phone's status by sending it the control message with such a request. The mobile phone 10 would return

information, for example, via a Short Message System (SMS), to a number specified in the control message. The information could contain, for example, phone location data or last usage data"; SMS using wireless internet connection as disclosed col. 5, lines 37-40).

Regarding claim 48, Helle discloses a communication device remotely controlling system to control a communication device by phone or internet (see abstract and col. 5, lines 37-44; mobile phone with SMS can be used to send the control message using short message system or wireless internet connection), wherein said communication device remotely controlling system includes a communication device remotely controlling means (see abstract; controlling a lost phone); wherein, in response to a user instruction being entered by a phone or via the internet by a user, said communication device remotely controlling means transmits a communication device controlling command (see col. 4, lines 41-62 and col. 5, lines 43-44; user sends via a telecommunication signal a remote PIN code command or control message to his/her mobile phone 10 by using any mobile phone with SMS capability or wireless internet connection), which is transferred to said communication device via a network to which said communication device is connected in a wireless fashion (see col. 4, lines 41-62 and col. 5, lines 43-44; user sends via a telecommunication signal a remote PIN code command or control message to his/her mobile phone 10); said communication device implements a communication device controlling task in response to said communication device controlling command (see col. 4, lines 24-30 and 41-57; locking the mobile phone, displaying a phone stolen, displaying message or performing function to activate the need for a user); and in response to the implementation of said communication device controlling task, said communication device remotely controlling means transmits a communication device controlling result, and thereby a communication device

controlled notice which indicates whether said communication device controlling task is implemented or not is output from said phone or via the internet (Examiner interprets this limitation as disclosed by Helle on col. 4, lines 50-57 of Helle: "the status message module 56 allows the user to request information about the mobile phone's status by sending it the control message with such a request. The mobile phone 10 would return information, for example, via a Short Message System (SMS), to a number specified in the control message. The information could contain, for example, phone location data or last usage data"; SMS using wireless internet connection as disclosed col. 5, lines 37-40).

Regarding claims 69, 75 and 81, Helle also discloses wherein said user instruction indicates to lock said communication device which is a mobile phone, and said communication device controlled notice indicates that said communication device is locked (see col. 3, line 62 to col. 4, line 2, Lock Phone).

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

3. Claims 66-67, 71-73 and 77-79 are rejected under 35 U.S.C. 103(a) as being unpatentable over Helle (US 6,662,023 B1) in view of Mooney et al. (US 6,606,504 B1).

Regarding claims 66, 71 and 77, Helle does not mention wherein said user instruction indicates to deactivate the silent mode of said communication device, and said communication

device controlled notice indicates that the silent mode is deactivated. However, Mooney et al. disclose wherein said user instruction indicates to deactivate the silent mode of said communication device, and said communication device controlled notice indicates that the silent mode is deactivated, wherein a vibrator is activated in lieu of outputting an audio upon receiving a phone call when said silent mode is activated (see abstract and col. 2, lines 1-15, deactivating a ringing silence mode), wherein a vibrator is activated in lieu of outputting an audio upon receiving a phone call when said silent mode is activated (see col. 1, lines 30-34, vibrating responsive to receipt of the signal). Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to provide the above teaching of Mooney et al. to Helle in order for user can locate a misplaced telephone.

Regarding claims 67, 72-73 and 78-79, Helle does not disclose wherein said user instruction indicates to output audio data from said speaker of said communication device which is a mobile phone, and said communication device controlled notice indicates that audio data is output from said speaker, wherein a vibrator is activated in lieu of outputting an audio upon receiving a phone call when said silent mode is activated. However, Mooney et al. teach wherein said user instruction indicates to output audio data from said speaker of said communication device which is a mobile phone, and said communication device controlled notice indicates that audio data is output from said speaker (see abstract and col. 2, lines 1-15, deactivating a ringing silence mode), wherein a vibrator is activated in lieu of outputting an audio upon receiving a phone call when said silent mode is activated (see col. 1, lines 30-34, vibrating responsive to receipt of the signal). Therefore, it would have been obvious to one of ordinary skill in the art at

the time the invention was made to provide the above teaching of Mooney et al. to Helle in order for user can locate a misplaced telephone.

4. Claims 68, 70, 74, 76, 80 and 82 are rejected under 35 U.S.C. 103(a) as being unpatentable over Helle (US 6,662,023 B1) in view of Kang (US 6,333,684 B1).

Regarding claims 70, 76 and 82, Helle does not disclose wherein said user instruction indicates to power off said communication device which is a mobile phone, and said communication device controlled notice indicates that said communication device is powered off. However, Kang teaches wherein said user instruction indicates to power off said communication device which is a mobile phone, and said communication device controlled notice indicates that said communication device is powered off (see col. 5, line 58 to col. 6, line 4). Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to provide the above teaching of Kang to Helle in order to prevent a third party or stranger to use the lost phone.

Regarding claims 68, 74 and 80, Helle does not mention wherein said user instruction indicates to change password pertaining to said communication device, and said communication device controlled notice indicates that password pertaining to said communication device is changed. However, Kang discloses user instruction indicates to change password pertaining to said communication device, and said communication device controlled notice indicates that password pertaining to said communication device is changed. (see col. 5, line 58 to col. 6, line 4). Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to provide the above teaching of Kang to Helle in order to prevent a third party or stranger to use the lost phone.

Conclusion

4. Any inquiry concerning this communication or earlier communications from the examiner should be directed to DAVID Q. NGUYEN whose telephone number is (571)272-7844. The examiner can normally be reached on 8:30AM-5:30PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Jinsong Hu can be reached on (571)272-3965. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/David Q Nguyen/
Primary Examiner, Art Unit 2617